

Remarks/Arguments:

Claims 1-14 are pending in the application. Claims 1-14 are rejected. Claims 1-14 have been amended to delete unnecessary element numbering and are not intended to change the scope of equivalents to which any claim element may be entitled. No new matter has been added.

Claim Rejections Under 35 USC § 102

Claims 1-14 are rejected under 35 USC 102(b) as being anticipated by Sprunk.

Applicant respectfully traverses this ground for rejection for the reasons given below.

Claim 1

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991).

Claim 1 recites, in part: "includes sequencing means which also constitute such a circuit section that can be fed with the supply voltage and are arranged to execute an algorithm in order to control the data processing means in conformity with this algorithm, which algorithm comprises a given number N of sub-algorithms which contain identical sequences of algorithm steps and can be executed in a given order each time when the algorithm is executed."

The Office Action asserts that Sprunk discloses the same and refers to col. 2, lines 5-25 in support of this assertion. The Office Action fails to identify those specific aspects of the reference in Sprunk at col. 2, lines 5-25, which are asserted to be that claimed in the claim 1 passage above.

Applicant finds no specific reference at col. 2, lines 5-25 to "the sub-algorithms executed in a given order each time when the algorithm is executed," as provided in Applicant's claim 1. In other words, the order of execution of the sub-algorithms is determined and may be different upon each execution of the algorithm. In contrast, Applicant submits that the Sprunk reference is "modulating a clock means ... to provide an unpredictable stream of clock pulses"; in other words, the timing of the execution of "a security algorithm" is changed, not the order of execution of sub-algorithms.

Additionally, Applicant finds no specific reference at col. 2, lines 5-25 to "algorithm comprises a given number N of sub-algorithms which contain identical sequences of algorithm steps", as provided by Applicant's claim 1. The Office Action provides no specific reference in col. 2, lines 5-25 of Sprunk that provides the same.

Claim 1 recites, in part: "...the circuit additionally includes order fixation means which cooperate with the sequencing means and whereby, upon each execution of the algorithm, an order can be fixed from a plurality of feasible orders for the execution of the N sub-algorithms".

The Office Action asserts that Sprunk discloses the same and refers to col. 5, lines 36-50, col. 6, lines 37-48, 52-58, col. 7, lines 13-20 in support of this assertion. The Office Action fails to identify those specific aspects of the reference in Sprunk at col. 5, lines 36-50, col. 6, lines 37-48, 52-58, col. 7, lines 13-20, that are asserted to be that claimed in the passage above. For example, among others, Applicant finds no specific reference at col. 5, lines 36-50, col. 6, lines 37-48, 52-58, col. 7, lines 13-20 to an "order fixation means" as provided by Applicant's claim 1. Instead, the Sprunk reference at col. 5, lines 36-50, col. 6, lines 37-48, 52-58, col. 7, lines 13-20 is referring to timing delays of clock signals, not to a fixation of the order of execution of N sub-algorithms.

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For these and other reasons, Applicant respectfully submits that Sprunk does not teach each element of claim 1, and therefore, claim 1 is not anticipated by Sprunk. Reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-7 are patentably distinct over Sprunk because they depend directly or indirectly from claim 1. Reconsideration and allowance of claims 1-7 is respectfully requested.

Claims 4 and 11

The Office Action does not provide any reason, in paragraph 3 or otherwise, as to why the subject matter of claims 4 and 11 are rejected, or where in Sprunk the claimed subject matter can be found. Applicant, therefore, cannot properly respond to the rejection of the claimed subject matter of claims 4 and 11. Reconsideration and allowance of claims 4 and 11 is respectfully requested.

Claims 2, 3, 9 and 10

In rejecting claims 2, 3, 9 and 10, the Office Action asserts that Sprunk discloses "the order fixation means include a random number generator that by means of the order fixation means upon each execution of the algorithm an order for the execution of N sub algorithms is fixed, the order being defined by a random number generated by the random number generator" and refers to col. 2, lines 5-13, col. 4, lines 1-13, col. 6, lines 52-58 in support of this assertion. Applicant respectfully traverses this assertion.

Applicant finds no specific reference at col. 2, lines 5-13, col. 4, lines 1-13, col. 6, lines 52-58 to the subject matter of claims 2 and 9 that recite, in part, "the order fixation means include a random number generator, and that, by means of the order fixation means upon each

execution of the algorithm, an order for the execution of the N sub-algorithms is fixed, said order being defined by a random number generated by the random number generator."

Instead, the Sprunk reference at col. 2, lines 5-13, col. 4, lines 1-13, col. 6, lines 52-59 is referring to timing delays of clock signals that are randomly selected. Applicant submits that this is not analogous to the random fixation of the order of execution of N sub-algorithms as provided in Applicant's claims. Applicant submits that timing delays and order fixation are not analogous in function, result, or otherwise.

Applicant finds no specific reference at col. 2, lines 5-13, col. 4, lines 1-13, col. 6, lines 52-59 to the subject matter of claims 3 and 10 that recite, in part: "the order fixation means additionally include order selection means which contain feasible orders for the execution of the N sub-algorithms and co-operate with the random number generator, and that the order selection means can select an order from the feasible orders in conformity with a random number received from the random number generator."

Instead, the Sprunk reference at col. 2, lines 5-13, col. 4, lines 1-13, col. 6, lines 52-59 is referring to timing delays of clock signals that are randomly selected from "a plurality of fixed digital or analog frequency sources." Applicant submits that this is not analogous to an order fixation means containing feasible orders of execution of N sub-algorithms as provided in Applicant's claims. As previously provided, timing delays and order fixation are not analogous in function, result, or otherwise.

Reconsideration and allowance of claims 2, 3, 9, and 10 is respectfully requested.

Claim 8

The Office Action, in paragraph 2 under the Detailed Action, states that claim 8 is rejected as being anticipated by Sprunk. The Office Action does not provide any reason as to why claim 8 is rejected. Thus, the Office Action fails to meet the requirements of at least 2. MPEP § 707.07(d): "where a claim is refused for any reason relating to the merits thereof it should be 'rejected' and the ground of rejection fully and clearly stated."

Since no specific reasons are provided as to why claim 8 is rejected, Applicant, therefore, cannot properly respond to the rejection.

Inasmuch as the reasons provided above, that claim 1 is not anticipated by Sprunk, are applicable to claim 8, Applicant respectfully repeats those reasons and submits that claim 8 is not anticipated by Sprunk.

Claims 9-14 depend from claim 8, and for the same reasons provided above for claim 8, Applicant is unable to respond to the rejections of claims 9-14, and that claims 9-14 are not anticipated by Sprunk. Applicant respectfully requests reconsideration and allowance of claims 8-14.


In view of the foregoing reasons for distinguishing over the cited reference, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.

CONCLUSION

Applicant submits that in view of the foregoing arguments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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